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THOMAS E. BEJIN
YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

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OFFICE OF PETITIONS

In re Application of
Leonard et al.
Application No. 09/680,342
Filed: October 5, 2000
Attorney Docket No. ESI-116-B

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 9, 2003, to revive the above-identified application.

The petition is granted.

This application became abandoned for failure to timely reply within three months to the final Office action mailed January 2, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on April 3, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$930.00 extension of time fee submitted on July 28, 2003 is subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The Notice of Appeal filed July 28, 2003, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

The file is now being forwarded to Technology Center 2800 for further processing.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy